



[4910-13-P]

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2012-1003; Directorate Identifier 2012-NM-064-AD]**

**RIN 2120-AA64**

**Airworthiness Directives; Bombardier, Inc. Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** We are revising an earlier proposed airworthiness directive (AD) for certain Bombardier, Inc. Model DHC-8-400 series airplanes. That NPRM proposed replacing all three advance pneumatic detectors (APDs) with new detector assemblies. That NPRM was prompted by reports of ADPs for engine fire/overheat detector assemblies failing to reset after activation due to permanent deformation of the detector switch diaphragm after being exposed to high temperatures. This action revises that NPRM by adding airplanes to the applicability. We are proposing this AD to prevent a continued engine fire indication in the cockpit after the actual fire has been extinguished, which is misleading and might influence the pilot to conduct a potentially hazardous “off-airport” landing. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

**DATES:** We must receive comments on this proposed AD by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: (202) 493-2251.
- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Hand Delivery: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416-375-4000; fax 416-375-4539; email [thd.qseries@aero.bombardier.com](mailto:thd.qseries@aero.bombardier.com); Internet <http://www.bombardier.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>;

or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Mazdak Hobbi, Aerospace Engineer, Propulsion and Services Branch, ANE-173, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7330; fax 516-794-5531.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA-2012-1003; Directorate Identifier 2012-NM-064-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

## Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the Federal Register on October 2, 2012 (77 FR 60060). That earlier NPRM proposed to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM (77 FR 60060, October 2, 2012) was issued, we determined that airplanes having serial numbers 4374 through 4399 are also affected by the identified unsafe condition, and that the actions specified in paragraph (g)(3) of that NPRM need to be accomplished on those airplanes in order to address the identified unsafe condition.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2012-07R1, effective December 21, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

There have been engine fires on DHC-8 Series 400 aeroplanes, where the “ENGINE FIRE, CHECK FIRE DETECT” warning and “FUEL OFF” handle lights failed to reset and remained illuminated after the fire was extinguished. An investigation has revealed that the existing engine fire/overheat detector assemblies “Advance Pneumatic Detectors (APD)” may fail to reset after activation due to permanent deformation of the detector switch diaphragm after being exposed to high temperatures.

This abnormal condition of a continued engine fire indication in the cockpit, after the actual fire has been extinguished, is misleading and may influence the pilot’s decision to conduct a potentially hazardous “off-airport” landing, which is considered an unsafe condition that warrants mitigating action.

To mitigate this potentially hazardous condition, Bombardier has issued multiple service bulletins (SBs) [Bombardier Service Bulletins 84-26-08, Revision A, dated May 12, 2011; 84-26-09, Revision A, dated May 12, 2011; and 84-26-12, Revision B, dated October 12, 2012] to replace all three affected APDs with new detector assemblies that are not susceptible to the subject diaphragm deformation when exposed to excessive heat. \* \* \*

This revised [Canadian] AD is issued to include the additional 26 aeroplane S/Ns in the applicability section of the AD. The additional S/Ns, 4374 through 4399, only affect the compliance with Part III of this [Canadian] AD.

You may obtain further information by examining the MCAI in the AD docket.

#### **Relevant Service Information**

Bombardier, Inc. has issued Service Bulletins 84-26-08, Revision B, dated September 24, 2012; and 84-26-12, Revision B, dated October 12, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### **Comments**

We gave the public the opportunity to comment on the original NPRM (77 FR 60060, October 2, 2012). We received no comments on that NPRM or on the determination of the cost to the public.

#### **FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because

we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the earlier NPRM (77 FR 60060, October 2, 2012). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this proposed AD.

### **Costs of Compliance**

Based on the service information, we estimate that this proposed AD would affect about 399 products of U.S. registry. We also estimate that it would take about 63 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$5,700 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$4,410,945, or \$11,055 per product.

### **Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### **Regulatory Findings**

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

## **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## **The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

## **PART 39 - AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

### **§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new AD:

**Bombardier, Inc.:** Docket No. FAA-2012-1003; Directorate Identifier 2012-NM-064-AD.

### **(a) Comments Due Date**

We must receive comments by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

### **(b) Affected ADs**

None.

### **(c) Applicability**

This AD applies to Bombardier, Inc. Model DHC-8-400, -401, and -402 airplanes, certificated in any category, serial numbers (S/Ns) 4001 through 4399 inclusive.



**(d) Subject**

Air Transport Association (ATA) of America Code 26, Fire protection.

**(e) Reason**

This AD was prompted by reports of advance pneumatic detectors (APDs) for engine fire/overheat detector assemblies failing to reset after activation due to permanent deformation of the detector switch diaphragm after being exposed to high temperatures. We are issuing this AD to prevent a continued engine fire indication in the cockpit after the actual fire has been extinguished, which is misleading and might influence the pilot to conduct a potentially hazardous “off-airport” landing.

**(f) Compliance**

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**(g) Installation**

Within 6,000 flight hours or 30 months after the effective date of this AD, whichever occurs first, replace the APDs as specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, as applicable.

(1) For airplanes having S/Ns 4001 through 4373 inclusive: For the nacelle of the engine primary zone, remove any APD having part number (P/N) 10-1098 and install a new APD having P/N 10-1098-01, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84-26-08, Revision B, dated September 24, 2012.

(2) For airplanes having S/Ns 4001 through 4373 inclusive: For the nacelle of the landing gear primary zone, remove any APD having P/N 10-1097 or 10-1097-01 and

install a new APD having P/N 10-1097-02, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84-26-09, Revision A, dated May 12, 2011.

(3) For all airplanes: For the propeller engine controller, remove any APD having P/N 10-1096, 10-1096-01, or 10-1096-02 (serial number is all numeric characters), and install a new APD having P/N 10-1096-02 (serial number is three alpha and four numeric characters), in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84-26-12, Revision B, dated October 12, 2012.

**(h) Credit for Previous Actions**

(1) This paragraph provides credit for actions required by paragraph (g)(1) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD, which are not incorporated by reference in this AD.

(i) Bombardier Service Bulletin 84-26-08, dated March 11, 2011.

(ii) Bombardier Service Bulletin 84-26-08, Revision A, dated May 12, 2011.

(2) This paragraph provides credit for actions required by paragraph (g)(2) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84-26-09, dated March 11, 2011, which is not incorporated by reference in this AD.

(3) This paragraph provides credit for actions required by paragraph (g)(3) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (h)(3)(i) or (h)(3)(ii) of this AD, which are not incorporated by reference in this AD.

(i) Bombardier Service Bulletin 84-26-12, dated October 12, 2011.

(ii) Bombardier Service Bulletin 84-26-12, Revision A, dated December 13, 2011.

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

**(1) Alternative Methods of Compliance (AMOCs):** The Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

**(2) Airworthy Product:** For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

**(j) Related Information**

(1) Refer to MCAI Canadian Airworthiness Directive CF-2012-07R1, effective December 21, 2012; and the service information identified in paragraphs (j)(1)(i), (j)(1)(ii), and (j)(1)(iii) of this AD; for related information.

(i) Bombardier Service Bulletin 84-26-08, Revision B, dated September 24, 2012.

(ii) Bombardier Service Bulletin 84-26-09, Revision A, dated May 12, 2011.

(iii) Bombardier Service Bulletin 84-26-12, Revision B, dated October 12, 2012.

(2) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416-375-4000; fax 416-375-4539; email [thd.qseries@aero.bombardier.com](mailto:thd.qseries@aero.bombardier.com); Internet <http://www.bombardier.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on March 28, 2013.

Ali Bahrami,  
Manager,  
Transport Airplane Directorate,  
Aircraft Certification Service.

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